

**California Victim Compensation and Government Claims Board**  
**Victim Compensation Program Regulations**  
**Title 2, §§ 647.4, 649.14-649.62**

**INITIAL STATEMENT OF REASONS**

Government Code section 13950 requires that the Victim Compensation and Government Claims Board (Board) “assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts.” This rule-making action implements legislation effective January 1, 2010, allowing additional relocation benefits for unusual, dire, or exceptional circumstances. The rule-making action includes revisions to the regulations for consistency with the governing statutes. It also includes several provisions to clarify regulatory language and correct grammar.

The Board is also proposing two new regulations regarding home security and purchase of a vehicle.

The specific purpose of each revision or proposed regulation, and the reasons that the revision or proposed regulation is necessary, together with a description of the public problem, is described in the information below.

## **Section 647.4 Consideration of Applications and Supplemental Claims**

### **Authority and Reference**

Pursuant to Government Code sections 11400.20, 13920 and 13974, the Board has authority to adopt necessary regulations for the Victim Compensation Program (“VCP”). This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13956, 13958, 13959.

### **Rationale**

The revision is necessary to ensure that the applicants and representatives understand the manner in which applications and supplemental claims are considered. The rulemaking action revises the requirements regarding the notice to be provided by VCP to applicants communicating the recommended denial of an application or claim, so that VCP has flexibility to communicate with applicants in a more effective manner.

### **Specific Purpose of Regulation**

- (b) It is necessary to revise the regulation to include a requirement that VCP inform applicants and representatives of the right to a hearing. Further, it is necessary to revise the regulation to delete the mandated text for each notice of denials so that VCP can have flexibility to re-write the notice to communicate effectively with applicants based on their needs. The required specified language interfered with VCP’s ability to clearly communicate with applicants.

## **Section 649.14 Minor Witnesses**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13956 and 13957(a)(2)(B)(iii).

### **Rationale**

It is necessary to revise this regulation to clarify Government Code section 13957(a)(2)(B)(iii), which provides that a minor witness of a violent crime is eligible for mental health benefits.

### **Specific Purpose of Regulation**

- (d) It is necessary to clarify that the eligibility of a minor witness will not be affected by the eligibility of victim(s) or derivative victim(s). A victim or derivative victim may be found eligible based upon a number of reasons, including his or her involvement in the events leading to the crime, participation in the crime, failure to cooperate with law enforcement, and late application. A minor who is involved in the events leading up to the crime, participates in the crime, or fails to cooperate with law enforcement is not an eligible minor witness. However, the minor's eligibility should not be affected because it is found that the victim or derivative victim is not eligible.

## **Section 649.15 Good Cause for Filing Late Applications**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13953 and 13954.

### **Rationale**

Historically, VCP has accepted late applications that were not filed until the applicant incurred a pecuniary loss. The purpose of the proposed regulatory action is to clarify the language that confused the public from the Board's prior rule-making action and to ensure that language is consistent with Government Code section 13953.

### **Specific Purpose of Regulation**

- (a) it is necessary to revise this provision to reflect that a late application will be recommended for denial and to delete the provision waiving a right to a hearing to be consistent with applicable statutes and hearing regulations. Government Code section 13959 requires that the Board grant a hearing to a applicant to

contest a recommended denial. California Code of Regulations, title 2, section 647.20(a)(1) provides that an applicant may request a hearing to contest a staff recommendation to deny an application because there is not good cause for the late filing.

- (b)(6) It is necessary to include language that the Board must consider when the applicant discovered that he or she incurred a pecuniary loss as a direct result of a qualifying crime when determining whether good cause exists because the related language subdivision (e) is inconsistent with the Government Code. Government Code section 13953 defines the statutory time period to file an application with VCP and authorizes the Board to grant an extension of the time period if it finds that there is good cause for the late application. New subdivision (b)(6) reflects that the Board should consider when applicants incurred a pecuniary loss and provides the Board with more flexibility in considering the circumstances in which that occurred.
- (b) It is necessary to revise this subdivision to require that applicants submit documentation supporting the late reason filing so that VCP staff can verify the late reason request and provide the applicant with prompt notice regarding whether the application is accepted. In the event of a denial, an applicant would then be promptly notified of the recommended denial and may request a hearing.
- (e) It is necessary to delete this provision because the term "reimbursable loss" is not defined in statute or regulation and was used in error, which created confusion. Government Code section 13957(e) defines "pecuniary loss" as "an economic loss or expense resulting from an injury or death to a victim of crime that has not been and will not be reimbursed from any other source." Further, this provision erroneously suggested that these applications were timely. New subdivision (b)(6) clarifies that these are late applications that may be accepted for good cause pursuant to Government Code section 13953.

## **Section 649.16 Applications by Derivative Victims**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13951, 13952 and 13953.

### **Rationale**

The purpose of the proposed rule-making action is to resolve any potential conflicting application of regulatory provisions governing applications by derivative victims. The rule-making action also includes revisions for clarity.

### **Specific Purpose of Regulation**

- (b) It is necessary to delete this provision because it conflicts with the Government Code. The available benefits depend on whether the applicant is eligible as a derivative or direct victim. Direct victims are eligible for income loss,

but not support loss.<sup>1</sup> Derivative victims are eligible for support loss, but not for income loss.<sup>2</sup> It is necessary to seek legislative changes to allow direct and derivative victims to qualify for both income and support loss.

- It is necessary to reletter existing subdivision (c) to the new (b) because a provision of the regulation has been deleted.
- New (b) It is necessary to revise the term “person” to “applicant” for clarity because “applicant” is a more accurate terms for this rule.

## **Section 649.17 Relocation Benefits**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13957.

### **Rationale**

This proposed regulation is necessary to clarify some of the items that the VCP reimburses under the relocation benefit.

### **Specific Purpose of Regulation**

- (c) It is necessary to correct the spelling of the word household due to a previous typographic error.
- (e) It is necessary to clarify that VCP reimburses food, clothing, and personal items only when necessary to move in an emergency. To qualify for reimbursement under VCP, relocation expenses must be necessary as a result of the qualifying crime. Generally, these types of expenses would only be necessary as a result of the qualifying crime if the applicant had to leave his or her residence quickly and could not collect these items. Otherwise, these items are routine purchases the applicant would incur regardless of the qualifying crime.

## **New Section 649.17.1 Increased Relocation Benefits for Unusual, Dire, or Exceptional Circumstances**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13957.

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<sup>1</sup> Gov. Code, §§ 13955, 13957.5; Cal. Code Regs., tit. 2, § 649(a)(25).

<sup>2</sup> Gov. Code, §§ 13955, 13957(a)(1), 13957.5.

## **Rationale**

This proposed regulation is necessary to clarify some of the items that the VCP reimburses under the relocation benefit. The new section also includes language to implement SB 314, which became effective on January 1, 2010. The new legislation allows the Board to increase the cash payment or reimbursement for relocation to an amount greater than \$2,000, if the board finds this amount is appropriate due to the unusual, dire, or exceptional circumstances of a particular claim.

## **Specific Purpose of Regulation**

- (a) It is necessary to establish that a claim must first meet the eligibility criteria for standard relocation in order to be eligible for the unusual, dire, or exceptional relocation benefit. Further, it is necessary to include the language “including, but not limited to” in the regulation to ensure that unforeseen circumstances may be given the opportunity to be evaluated for this benefit.
- (a)(1) Victims of ongoing threats or retaliation, facing threats of great bodily injury or death, would qualify for the unusual, dire, or exceptional relocation benefits due to the immediate physical danger. The need to move quickly and at a further distance could result in the applicant incurring more than \$2,000 in relocation expenses. Government Code section 13957(a)(8) requires that law enforcement verify that the relocation is necessary for the personal safety of the applicant. It is necessary that any on-going threat or retaliation is verified by law enforcement and not by a mental health provider because this relocation circumstance will only be considered to protect the physical safety of an applicant and not for their mental well-being. When the applicant faces on-going threats or retaliation from the offender, the application may qualify for the unusual, dire, or exceptional relocation benefit as a result of incurring expenses above \$2,000 in order to relocate more than once to ensure her or his physical safety.
- (a)(1)(A) The requirement that the applicant must not have informed the offender of the new residence or must have obtained a restraining order against the offender is necessary to ensure that, if relocation benefits are provided, the applicant takes reasonable steps to protect him or herself. In some cases, the offender may learn of the applicant’s new location. The applicant would still be eligible for benefits provided that he or she obtained a restraining order.
- (a)(1)(B) It is necessary to stipulate the distance an applicant must move from their previous residence in order to ensure the applicant is moving to a geographic area where the threat is less likely to be carried out. This geographic stipulation only applies to applicants who are the victims of ongoing retaliation or renewed threats. Other unusual, dire, or exceptional relocation requests may not be required to meet the distance requirement and will be evaluated on their own merits. Also, applicants who only request reimbursement for relocation expenses of not more than \$2,000 will not be required to meet the distance requirements.
- (a)(2) It is necessary to describe the unusual, dire, or exceptional circumstances where an applicant must move for their emotional well-being. If the qualifying crime resulted in the substantial impairment of the applicant’s daily activities of daily living or disfigurement, the applicant may require additional assistance to move, resulting in higher costs. Also, an applicant called to testify in court proceedings related to the qualifying crime may need to relocate a farther distance or more than one time, thereby incurring additional costs.

- (b) It is necessary to specify that moving to or within a high cost area, having a large family, or moving a long distance notwithstanding California Code of Regulations, title 2, section 649.17.1 (a)(1) and (a)(2) will not qualify for the unusual, dire, or exceptional relocation benefit on their own merit. On their own, these circumstances are not unusual, dire, or exceptional and it is necessary to let applicants know in advance that their application will not qualify for the unusual, dire, or exceptional relocation benefit based on these reasons alone.

## **New Section 649.19 Home Security Device or System**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13957.

### **Rationale**

This proposed regulation is necessary to codify various factors for the VCP staff to better implement home security reimbursement statutory provisions.

### **Specific Purpose of Regulation**

- (a) It is necessary to provide examples of home security that VCP generally reimburses so that applicants and representatives are aware of typically covered expenses. This benefit is to secure the residence structure specifically.
- (b) The Board may grant compensation that it determines best aides the applicant seeking reimbursement or deny compensation. It is necessary to provide examples of items that are not considered reimbursable under the benefit for home security.
- (b)(1) It is necessary to specify that weapons are not reimbursable because a weapon is not a part of the residential structure. Further, weapons are potentially dangerous items that may be used in a manner not related to home security.
- (b)(2) It is necessary to specify that guard dogs are not reimbursable because they are not a part of the residential structure. Further, dangerous dogs can result in liability to the applicant.
- (b)(3) It is necessary to specify that self-defense courses are not covered under home security because they are not a part of the structure of the home.

## **New Section 649.20 Purchase of Vehicles**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13957.

### **Rationale**

Government Code section 13957(a)(7) provides that the Board may reimburse a victim for the expense of renovating or retrofitting a vehicle. Historically, the Board has reimbursed a permanently disabled victim for the expense of a vehicle when it determined that it was medically necessary. This proposed regulation is necessary to set forth the various items that the VCP staff considers when determining whether the applicant is eligible for the purchasing of a vehicle.

### **Specific Purpose of Regulation**

- (a) It is necessary to specify that the purchase of a vehicle must be necessary as a direct result of the crime, even though this is stated in Government Code section 13957(a)(7), for clarity and easy reference regarding the scope of the benefit.
- (b) It is necessary to provide guidance to applicants concerning the factors that VCP will consider in determining whether the applicant is eligible for the purchase of a vehicle.
- (b)(1) In some cases, it is necessary to purchase a vehicle because to do so would be more economical than retrofitting the applicant's existing one, resulting in savings to VCP.
- (b)(2) In some cases, it is necessary to purchase a vehicle because the applicant's existing vehicle cannot be retrofitted to meet the applicant's needs.
- (b)(3) In some cases, it is necessary to purchase a vehicle in some cases because there are no other transportation options for the applicant.
- (c) It is necessary to specify that VCP does not reimburse parts or replacement that is necessary as a result of wear and tear or maintenance because these items are routine expenses that any car owner would incur.
- (d) It is necessary to obtain documentation from a mobility or rehabilitation specialists that the vehicle meets the need of the applicant to ensure that the applicant will be able to use the vehicle and that the purchase is appropriate.

## **Section 649.26 Objection to Direct Payment**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13957.7.

### **Rationale**

Government Code section 13957.7(c) provides that the Board may make payments directly to providers. The VCP has accepted CMS 1450, CMS 1500, and American Dental Association bill forms for the convenience of the applicants. The rule-making action identifies forms commonly used by healthcare providers and specifies that the VCP may require the use of the form.

### **Specific Purpose of Regulation**

- It is necessary to revise the title to Direct Payment to Providers to reflect the additional information that was added to the regulation.
- New (a) is necessary because the VCP has accepted bills from providers on behalf of applicants on CMS 1450, CMS 1500, and American Dental Association bill forms for the convenience of the applicants. These forms are the standard in the medical community for billing Medicare and Medi-Cal and the forms are what are acceptable by our Bill Review Service (BRS) contractor. Use of the forms also reduces duplication of effort in filling out forms by healthcare providers and expedites payments by the VCP. It is necessary to provide the Board with permissive authority to require the forms because the use of the forms help to reduce the errors in the types of bills sent to BRS and allows the Board to process bills more efficiently. It also gives the Board the flexibility to accept bills on other forms when it is appropriate, such as if all the necessary information is provided to process the bill. Applicants will not be required to use the forms for reimbursement of bills that they have paid. This would not apply to pecuniary loss from other types of providers of VCP benefits.
- New (b) It is necessary to label this information subdivision (b) because new information was added to the regulation. It is necessary to revise “Board” to “VCP” for clarity because it is the staff that sends the notice to applicants on behalf of the Board. It is also necessary to delete the phrase “of the code” because it appears to be a typographical error and the statutory provision was already identified.

## **Section 649.28 Mental Health Counseling Providers.**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13954, 13957(a)(2), 13957.2(a) and 13957.9.

### **Rationale**

Government Code section 13957.9 authorizes the Board to enter into agreements with qualified mental health providers who utilize reimbursement on a significant level on a regular and constant basis. This amendment is necessary to define a “significant level on a regular and constant basis.”

### **Specific Purpose of Regulation**

- (c) It is necessary to raises the minimum level of utilization of reimbursement from the Restitution Fund during the previous fiscal year for mental health services from \$10,000 to \$100,000 to demonstrate that the non-profit agency utilized the Restitution Fund at a significant level on a regular and constant basis to be eligible to enter into an agreement with the VCP as a qualified provider pursuant to Government Code section 13957.9. Currently a provider would only need to provide the initial session limits to three direct victims in order to meet

the \$10,000 requirement. This is not a significant utilization of the Restitution Fund. The proposed higher limit would limit would enable VCP to have non-profit provider agreements with those agencies that provide a significant amount of mental health services to VCP applicants.

## **Section 649.31 Reimbursable Sources**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13951, 13952, 13954 and 13957(b).

### **Rationale**

This proposed rulemaking action is necessary to correct typographical errors.

### **Specific Purpose of Regulation**

- It is necessary to rename the title “Reimbursement Sources” and to revise “reimbursable sources” to “reimbursement sources” in the text to be consistent with the definitions in California Code of Regulations, title 2, section 649(a)(18).

## **Section 649.32 Verification of Income or Support Loss**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13957(a)(4) and 13957.5.

### **Rationale**

It is necessary to revise this regulation to be consistent with Government Code section 13957.5, which defines the statutory time period for income and support loss.

### **Specific Purpose of Regulation**

- (g) It is necessary to delete the language allowing the disability period for income and support loss to be calculated on a cumulative basis because this language is inconsistent with Government Code section 13957.5 and applicable case law. VCP may only reimburse income loss for the statutory time period regardless of whether there have been any gaps in the disability period or whether the victim received reimbursement from other sources for portions of the

disability period. In *Webster v. State Board of Control*,<sup>3</sup> the Court explained that victims are only entitled to income loss suffered as a direct result of a crime to the extent that the victim has not and will not be reimbursed from any other source. In that case, the Court found that the Board properly denied an applicant's request for income loss that was fully reimbursed by worker's compensation and social security benefits. This same reasoning would also apply to payment of support loss.

## **Section 649.33 Derivative Victims Eligible for Support Loss**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code sections 13955, 13957(a)(4) and 13957.5(a)(4).

### **Rationale**

It is necessary to revise the regulation to clarify language that is potentially confusing to the public.

### **Specific Purpose of Regulation**

- (b)(1) It is necessary to delete the language that exempts minors who are emancipated or whose parental rights have been terminated because this language is redundant, confusing, and unnecessary. The first part of the sentence states the criteria in Plain English.

## **Section 649.48 Human Trafficking**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13956(b)(3).

### **Rationale**

The proposed regulation is necessary to provide clarification regarding the documentation and evidence that the VCP staff considers in reviewing alleged human trafficking crimes.

### **Specific Purpose of Regulation**

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<sup>3</sup> (1987) 197 Cal. App. 3d 29.

- It is necessary to re-letter current (a) and (b) to (c) and (d) because new provisions were added to the regulation.
- The proposed language in new subsections (a) and (b) repeat the language in Government Code section 13956(b)(3)(A)&(B) for clarity and easy reference so that applicants know all of the types of evidence and documentation that VCP staff will consider in determining if an applicant was the victim of human trafficking.
- It is necessary to add language stating that medical or mental health records alone may not be sufficient evidence that the qualifying crime of human trafficking occurred for consistency with California Code of Regulation, title 2, section 649.38. Section 649.38 describes evidence of a qualifying crime. Medical or mental health records alone are not sufficient evidence of a qualifying crime because VCP still needs to ascertain the circumstances of the crime. However, the medical or mental health records may confirm other evidence or testimony to support that a qualifying crime occurred.

## **Section 649.50 Involvement in a Vehicle-Related Qualifying Crime**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13955 and 13956.

### **Rationale**

The proposed revision is a technical and non-substantive change for clarity.

### **Specific Purpose of Regulation**

- (a)(3) It is necessary to delete the word “as” because it is a typographical error.

## **Section 649.51 Participation in a Crime**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13956.

### **Rationale**

The proposed revision is necessary to revise the regulation to be consistent with Government Code section 13956.

### **Specific Purpose of Regulation**

- It is necessary to revise the title to state “Participation in the Commission of a Crime For Which Compensation is Being Sought” to be consistent with Government Code section 13956(a).
- (a) It is necessary to revise (a) to be consistent with the Government Code section 13956(a).
- (a) & (b) It is necessary to delete the word “qualifying” to be consistent with the interpretation that participating in a crime that results in the pecuniary loss is involvement and disqualifies an applicant from eligibility because the applicant’s participation places the applicant in danger.
- (b) & (c) It is necessary to revise “a” crime to “the” crime because specifically participating in the crime that resulted in the pecuniary loss disqualifies an applicant from benefits rather than participating in any crime.

## **Section 649.57 Mitigation of Involvement in the Events Leading to the Qualifying Crime**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13956.

### **Rationale**

The revisions to this regulation are necessary to more clearly explain how VCP staff weighs an applicant’s involvement in the events leading to the qualifying crime. The revisions specify that VCP can find that involvement is mitigated or lessened, or completely overcome by other factors. It also codifies VCP’s long-standing practice of paying some benefits and not others when it determines that an applicant’s involvement is partially mitigated and benefits should be allowed in part.

### **Specific Purpose of Regulation**

- (b) & (c) It necessary to clarify that only certain benefits may be allowed when VCP finds that involvement is mitigated but not overcome. Such applicants would be entitled only to reimbursement for medical and funeral/burial expenses incurred on behalf of the direct victim. It is necessary to revise the term “derivative victim” to “any individual who pays the victim’s expenses as stated in Government Code section 13957(a)(9)” in two places for clarity. By statute, derivative victims are not eligible for reimbursement of their own medical or funeral/burial expenses.<sup>4</sup> However, the Board may reimburse any individual who voluntarily and without personal gain pays for medical expenses or funeral/burial expenses of a direct victim. The proposed revisions make language of the regulation consistent with the statute.

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<sup>4</sup> Gov. Code, § 13957.

## **Section 649.62 Failure to Cooperate with Board or Staff**

### **Authority and Reference**

Pursuant to Government Code sections 13920 and 13974, the Board has authority to adopt necessary regulations for VCP. This rulemaking action is intended to further implement, interpret, and/or make specific Government Code section 13954.

### **Rationale**

VCP is the payor of last resort. The revision is necessary to allow the Board to deny an application or requested benefits when an applicant refuses to apply for other benefits potentially available to the applicant from a source beside VCP.

### **Specific Purpose of Regulation**

- Because the Board is the payor of last resort, it is necessary to include language in (b) specifying that an applicant may be found to have failed to cooperate with the Board if the applicant fails or refuses to apply for other governmental benefits potentially available to the applicant. The Board cannot compensate an applicant when the applicant is eligible for other federal, state, or county benefits. For example, this is particularly true with regard to workers' compensation, state disability insurance, Social Security benefits, and unemployment insurance which often are available sources of reimbursement for eligible applicants. This rule specifies that the applicant may be found to have failed to cooperate by not applying for eligible benefits.

Under California Code of Regulations, Title 2, section 649.31, the VCP staff need this information to enable them to accurately verify eligibility for other non-VCP benefits and request sufficient documentation from the applicant. It is the applicant's responsibility to disclose whether the applicant is eligible for other non-VCP program benefits as well as whether the applicant applied for benefits from outside resources. The regulation allows the Board discretion to consider the reasons that the applicant did not apply for other eligible benefits.

### **TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS**

The Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of these regulations.

### **REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The Board has determined that there are no other reasonable alternatives to this rulemaking action.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT  
WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has no evidence indicating any potential adverse impacts to small business are expected as a result of this proposed action.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has no evidence indicating any potential significant adverse impact on business as a result of this proposed action.